

### **REMARKS**

The Examiner's rejection of claims 1 through 3 under 35 U.S.C. 103(a) as being unpatentable over Dutton (U.S. 3,796,331) in view of Norsic is respectfully traversed. With all due respect, it is applicant's position that the Examiner has completely missed the point of applicant's claimed invention. Norsic teaches completely away from applicant's invention because all of the trash bins shown in Norsic are DUMPSTERS which means they are physically uplifted by another very expensive truck that automatically dumps the contents into the compacting unit of a very expensive dump truck.

Applicant's claimed invention both in structure and function is the opposite. Applicant uses a small truck with a grasping device to physically remove construction debris by grasping debris from a trash container eliminating the need for a DUMPSTER and the expensive dumpster truck that goes with it. Although it would seem to be less efficient to physically remove debris from a construction site trash container with a mechanical arm having jaws, the fact is applicant's claimed system and method is much less expensive than buying a huge truck that requires an expensive lifting mechanism in order to lift up the dumpster.

The applicant's invention is a great savings for small construction companies that cannot afford the services of trash removal on a daily basis from a large dumpster truck. The employees at the construction site can manually put debris on a daily basis into a trash container. Periodically, the small truck, very inexpensive compared to the large dumpster truck, can arrive on the scene with a single operator and with the aid of a grasping arm physically remove debris from within one trash container and put it into a bed on the truck.

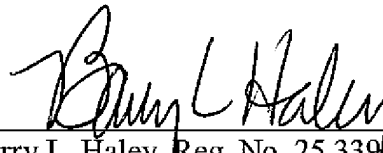
Applicant believes that on its face the rejection is incorrect structurally and that claims 1-3

Applicant: Fellows, Mark  
Serial No.: 10/709,139  
Page 5

as now amended and new claim 4 clearly distinguish those specific features and steps of applicant's system and method not remotely suggested in these references. The combination does not teach applicant's invention.

If there are any additional charges, including extension of time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barry L. Haley", is written over a horizontal line.

Barry L. Haley, Reg. No. 25,339  
Malin, Haley & DiMaggio, P.A.  
1936 South Andrews Ave.  
Fort Lauderdale, Florida 33316  
Tel: (954) 763-3303  
Fax: (954) 522-6507  
E-Mail: INFO@mhdpatents.com